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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,059	12/02/2005	Wolfgang Otto Budde	DE03 0020 US	8936
24738	7590	04/01/2009	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			BENOIT, ESTHER	
PO BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510-8001			2442	
			MAIL DATE	DELIVERY MODE
			04/01/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/542,059	<b>Applicant(s)</b> BUDDE ET AL.
	<b>Examiner</b> ESTHER BENOIT	<b>Art Unit</b> 2442

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 July 2005.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 12 July 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449)  
 Paper No(s)/Mail Date 7/12/2005

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. Claims 1-12 are pending in this application. A Preliminary Amendment filed on 07/12/2005 has amended claims 1-11, and added claim 12. Claims 1-12 are presented for examination.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stecyk et al. (US 2002/0174270 A1), in view of Ben-Ze'ev (US 6,791,467 B1).

**With respect to claim 1, Stecyk discloses:**

- having a plurality of device and in particular consumer electronics devices, building control devices, home entertainment electronics devices and/or network control devices, that are connected to an electronic data link (Figure 1 and [0043])
- the devices each having a name memory in which is stored a device name uniquely assigned to the device, to enable each device to be uniquely actuated within the network (Figure 9B and [0090])

- having a mobile input unit having an input means for the input of a desired device name (Figure 4)
- it being possible for the device name stored in the name memory to be selected or changed via the electronic data link (Figure 9B and [0090])

Stecyk does not disclose:

- having an electronic data link for communication between the input unit and a device, which link has so short a range that, by positioning the input unit in the vicinity of a device, this device is selected among the devices on the network

However, Ben-Ze'ev discloses:

- having an electronic data link for communication between the input unit and a device, which link has so short a range that, by positioning the input unit in the vicinity of a device, this device is selected among the devices on the network (Col. 11, lines 15-24 and Col. 14, lines 6-14, *where the remote controller detects an appliance in its vicinity and is able to automatically program the appliance to be turned on by the remote controller*)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have combined the teachings of Stecyk with the teachings of Ben-Ze'ev to be able to control an appliance that is in the vicinity of the

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remote controller, *because it will allow devices that were not originally set up to the remote controller to also be controlled by the controller and indeed provide a universal transmitter to all devices in the home automation network.*

**With respect to claim 2,** Stecyk discloses the devices have first transmission means of a first type for linking with other devices on the network (Figure 1 and [0043]) and second transmission means of a second type for communication with the input unit (Figure 5)

**With respect to claim 3,** Stecyk discloses the devices have transmission means of a first type for linking with other devices on the network (Figure 1 and [0043]), and the input unit also has a transmission means of the first type (Figure 4),

Stecyk does not disclose a means being provided to limit range so that communication between the input unit and a device is of a shorter range than communication between two devices.

However, Ben-Ze'ev discloses a means being provided to limit range so that communication between the input unit and a device is of a shorter range than communication between two devices (Col. 8, lines 51-58)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have combined the teachings of Stecyk with the teachings of Ben-Ze'ev to be able to control an appliance that is in the vicinity of the remote controller, *because it will allow devices that were not originally set up to the*

remote controller to also be controlled by the controller and indeed provide a universal transmitter to all devices in the home automation network.

**With respect to claim 4,** Stecyk discloses the input unit has a wireless transmission means and the devices have a corresponding wireless transmission means for communicating with the input unit and for transmitting the name (Figure 4).

**With respect to claim 5,** Stecyk does not disclose the range of communication between the input unit and a device is less than 3 meters.

However, Ben-Ze'ev discloses the range of communication between the input unit and a device is less than 3 meters (Col. 8, lines 51-58)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have combined the teachings of Stecyk with the teachings of Ben-Ze'ev to be able to set the range to less than 3 meters, *because* it will allow for a shorter distance to be set so that the controller does not pick up every signal in its range.

**With respect to claim 6,** Stecyk does not disclose the range of communication between the input unit and a device can be set by the user.

However, Ben-Ze'ev discloses the range of communication between the input unit and a device can be set by the user (Col. 11, lines 15-24)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have combined the teachings of Stecyk with the

teachings of Ben-Ze'ev to be able to set the range, *because* it will allow for a shorter distance to be set so that the controller does not pick up every signal in its range.

**With respect to claim 7**, Stecyk does not disclose the input unit has a display for displaying a device name read out from a device.

However, Ben-Ze'ev discloses the input unit has a display for displaying a device name read out from a device (Abstract)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have combined the teachings of Stecyk with the teachings of Ben-Ze'ev to provide a display for displaying a device name on the remote controller, *because* it will allow the user to view either the name of the device they choose to control or an icon representing the device to be controlled.

**With respect to claim 8**, Stecyk discloses the input unit is suitable for the input of a key for a device (Figure 4).

**With respect to claim 9**, Stecyk discloses having a name memory that stores a device name uniquely assigned to the device, to enable the device to be uniquely actuated within the network (Figure 9B and [0090]), and at least one wireless transmission means (Figure 4), it being possible for the device name stored in the name memory to be individually selected and/or changed via the wireless transmission means (Figure 9B and [0090]).

**With respect to claim 10,** Stecyk discloses having an input means for the input of a desired device name and a wireless transmission means for transmitting the device name (Figure 4).

**With respect to claim 11,** Stecyk discloses a desired device name is entered with an input means belonging to a mobile input unit and the input unit is brought into the vicinity of a device, and the device name being entered is transmitted via an electronic data link from the mobile input unit to the device, the device name stored in the device being selected or changed as appropriate (Figure 9B and [0090]).

**With respect to claim 12,** Stecyk discloses the plurality of devices on the network includes at least one of the following: a home network having a plurality of electronic devices, building control devices, home entertainment electronics devices, or network control devices (Figure 1 and [0043]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ESTHER BENOIT whose telephone number is (571)270-3807. The examiner can normally be reached on Monday through Friday between 7:30 a.m and 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Caldwell/  
Supervisory Patent Examiner, Art  
Unit 2442

E.B.  
March 26, 2009